

April 6, 2021

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: State Post-Employment Opinion for Jeffrey T. Nolan

Dear Sirs:

I am a retired state employee who worked for the Louisiana Department of Environmental Quality (the Department) from December 1991 through June 2020.

In November 2008, I became the Environmental Scientist Manager for the Department's Criminal Investigation Section (see attached SF-3 Civil Service Job Description and Organizational Chart) and served in that capacity until my retirement in June 2020. As Manager of the Criminal Investigation Section, my chief responsibility was to comply with La. R.S. 30: 2025 (F)(4) as follows:

*"Upon a determination that a criminal violation may have occurred, notification shall be given to the district attorney in whose jurisdiction such possible violation has occurred. The department shall provide the district attorney with any and all information necessary to evaluate the alleged violation for criminal prosecution. **The criminal prosecution of such violations shall be at the direction of the district attorney.** The department shall cooperate fully with the district attorney."*

From November 2008 through June 2020, I managed a staff of five criminal investigators and one Environmental Scientist Supervisor. I, along with each member of my staff, served as commissioned law enforcement officers who were authorized to carry firearms and make arrests when criminal violations of the Environmental Quality Act (Louisiana Revised Statutes Title 30) were committed knowingly or willfully. As manager of the Department's Criminal Investigation Section, I managed and supervised the arrests and/or referrals of criminal environmental and related matters for recommendation of criminal prosecution to the appropriate district attorney.

I am considering employment with several environmental consulting firms, individuals, and businesses that may be regulated by the Department. My plan is to provide environmental consulting services regarding environmental administrative/civil regulatory compliance issues for compensation.

Before moving forward with any prospective employment, I am asking for a state post-employment written advisory opinion from the Louisiana Board of Ethics regarding the following questions:

DB
G

Jeffrey T. Nolan -Written Advisory Opinion Request

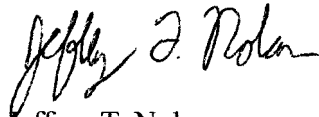
April 6, 2021

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- 1) Am I limited, in any way, from working for environmental consulting firms, individuals, or regulated businesses by providing consultation on environmental administrative/civil regulatory compliance issues?
- 2) If I would have any limitations while working for environmental consulting firms, individuals, or regulated businesses, what are they?

I thank you in advance for your time and consideration. If you have any questions, you can call or text me at 225-241-7142. You can also contact me by email at jcnolan1993@eatel.net. I look forward to your prompt written advisory opinion.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey T. Nolan". The signature is written in a cursive, flowing style.

Jeffrey T. Nolan

POSITION DESCRIPTION APPROVAL

Form Est: 03/2015

Department: 1300 - DEQ
Agency: 0856 - Dept of Environmental Quality
Position Number: 50318604

Allocation Action: Affirmed
Official Allocation: ENV SCIENT MGR
Job Code: 164890
Pay Level: TS-317
Delegated: No
Career Progression Group: No
Master Job Description: No
Effective Date: 07/18/2016
Position Audited: No
Audit Date:
Comments:

Log Number: 125598
Consultant: KLC
Supervisor: NJT



Louisiana
SCS
State Civil Service

POSITION DESCRIPTION

Form Revision Date: 05/2016

COMPENSATION DIVISION
DEPARTMENT OF STATE CIVIL SERVICE
P.O. BOX 94111 – CAPITOL STATION
BATON ROUGE, LA 70804-9111
SCSPDS@la.gov

1 TYPE OF REQUEST

Check appropriate request boxes. If master job description, please attached master list of positions.

☒ UPDATE ☐ AGENCY APPEAL ☐ MASTER ____ # requested

☐ JOB CORRECTION ☐ 5.3 APPEAL

☐ CAREER
PROGRESSION GROUP

☐ NEW POSITION

MAJOR AGENCY CODE &
PERSONNEL AREA CODE

1300 / 856

POSITION NUMBER

50318604

CURRENT OFFICIAL JOB TITLE (IF POSITION IS IN A CPG, LIST CAP OF ALLOCATION)

Environmental Scientist Manager

CURRENT PAY LEVEL

TS 317

CURRENT OFFICIAL JOB CODE

164890

REQUESTED OFFICIAL JOB TITLE

Environmental Scientist Manager

REQUESTED PAY LEVEL

TS 317

REQUESTED OFFICIAL JOB CODE

164890

2 INFORMATION REQUIRED FOR NEW POSITION FOR LA GOV HCM AGENCIES ONLY

ORGANIZATIONAL UNIT NUMBER

COST CENTER NUMBER /FUND

WORK PARISH

PERSONNEL SUBAREA

EMPLOYEE GROUP (CHOOSE ONE)

☐ FT HOURLY ☐ FT SALARY ☐ PT HOURLY

EMPLOYEE SUBGROUP (CHOOSE ONE)

☐ NON-EXEMPT ☐ EXEMPT

3 GENERAL INFORMATION

EMPLOYEE'S NAME – LAST, FIRST

Jeffrey Nolan

Employee Qualifies For Job

☒ Yes ☐ No

HUMAN RESOURCES CONTACT

Jennifer Hardee

AGENCY/DEPARTMENT – OFFICE – DIVISION

LDEQ/OSEC/Legal/Criminal Investigations/Galvez/EBRP Org:50009985 CC:8561020100

Fund:85600Q0200

HUMAN RESOURCES TELEPHONE

(225) 219-3851

OFFICIAL TITLE OF SUPERVISOR

Attorney Deputy General Counsel 2

DIRECT SUPERVISOR'S POSITION NUMBER

126676

HUMAN RESOURCES EMAIL

jennifer.hardee@la.gov

4 COMPARATIVE POSITIONS

List positions that have similar or identical duties to this position.

INCUMBENT NAME

POSITION NUMBER

OFFICIAL JOB TITLE / AGENCY

5 SUPERVISORY ELEMENTS

ORGANIZATIONAL CHART MUST BE ATTACHED

☒ DETERMINES WORK ASSIGNMENTS ☒ RECOMMENDS HIRING/PROMOTIONS ☒ TRAINS STAFF

☒ REVIEWS AND APPROVES WORK ☒ PREPARES & SIGNS PES RATING ☒ APPROVES LEAVE

1

NUMBER OF
DIRECT
SUBORDINATES

6 ATTACHMENTS

Check to indicate attachments.

☒ Organizational Chart (required) ☒ Duties / Responsibilities (required) ☐ Comments ☐ MJD Position Numbers ☐ Contracted Personnel Form

7 SIGNATURES

Sign and print below.

EMPLOYEE

DATE

☐ I certify that the information in this document is true and correct to the best of my knowledge.
☐ I certify that I have reviewed the position description. I disagree with a portion of the contents and have attached comments.

DIRECT SUPERVISOR

DATE

☐ I certify that I agree with this document.
☐ I certify that I have reviewed the position description. I disagree with a portion of the contents and have attached comments.

APPOINTING AUTHORITY (Required)

DATE

☒ I certify that I agree with this document.
☐ I certify that I have reviewed the position description. I disagree with a portion of the contents and have attached comments.

PRINT NAME AND TITLE OF APPOINTING AUTHORITY

SCS will keep this document for six (6) years.

7 JOB DUTIES AND RESPONSIBILITIES

Provide a brief statement describing the function of work or reason why the position exists. List duties indicating the percent of time spent for each area of responsibility. If applicable, describe any unusual physical demands and/or unavoidable hazards of the position. Attach additional pages if necessary.

If duty(s) are short-term / temporary and nonrecurring, note beginning and ending dates and percent of time required to perform the duty(s). Begin the writing of your short-term duty statement(s) as follows: (SHORT-TERM – beginning and ending dates)

Example: (SHORT-TERM – 1/1/99 thru 1/31/99) I count.....

PERCENTAGES MUST TOTAL 100% LIST DUTIES IN DECREASING ORDER OF IMPORTANCE / COMPLEXITY. THE NEED FOR SPECIAL LICENSE, POLICE COMMISSION, KNOWLEDGE OR TRAINING MUST BE INDICATED BELOW, IF APPLICABLE.

The incumbent in this position directs the Criminal Investigation Division (CID). As manager of CID, the incumbent uniquely qualified to accomplish this job function utilizing job duties as environmental scientist as well as those of a commissioned law enforcement officer. Employees under the supervision of the incumbent have the authority to make arrests, swear out and execute criminal search warrants and arrest warrants, issue misdemeanor summons, carry firearms, and to advise suspects in custody of their constitutional rights.

The incumbent of this position must ensure adherence to Department policies and Louisiana's Rules of Criminal Procedure. Criminal investigations may lead to the discovery of violations of statutes of other state departments with overlapping oversight of the state's environmental and natural resources, as well as more "traditional" crimes such as theft and fraud. This requires careful direction of investigations and effective communication on a recurring basis with higher-level officials within the Department, as well as, other state and federal agencies.

The incumbent must possess a broad knowledge of the statutory requirements of environmental crimes, as well as related federal statutes. The incumbent must identify, analyze, and develop information from government agencies, industry groups, and the general public to accomplish the goals of compliance and deterrence.

50%

- Ensures timeliness of work product (leads, cases, referrals, administrative assists, criminal assists, and outreach activities), work flow, and process functions from subordinates;
- Reviews reports on leads, cases, and referrals from subordinates for appropriateness, completeness, technical application, consistency, and accuracy;
- Develops awareness of the staff regarding the Department's, and the Division's rules and policies and ensures that they are being followed;
- Reviews timesheets for completeness and accuracy, approves and disapproves leave, and approves travel;
- Establishes the mission priorities for CID;
- Conducts and reviews performance planning and review documents;
- Approves referral reports to District Attorneys by drafting cover letters for each referral;
- Assists/conducts interviews to fill job vacancies;
- Prepares the section budget and supporting budget documents for submission to the Secretary and Financial Services;
- Documents and oversees in-service training of staff as required by P.O.S.T.; and
- Plans and schedules comprehensive, complex investigations.

25%

- Maintains the CID database and performs routine queries to ensure that staff are performing duties as expected; and
- Compiles quarterly and annual performance indicator information from the CID database.

20%

- Represents the department with citizen groups and the regulated community regarding complex environmental initiatives;
- Conducts presentations for staff, industrial groups, environmental organizations and the general public;
- Initiates outreach programs for prosecutors and local, state and federal regulatory and law enforcement personnel
- Serves as the Department's representative in meetings and various forums with governmental officials, the general public, and other interested parties concerning departmental and program activities;
- Serves as primary contact for emergency issues;
- Confers with federal, state and local government officials or bodies concerning the resolution of complex environmental crimes issues;
- Aids the CID attorney in negotiating sensitive or complex settlement/plea agreements with environmental violators;
- Serves as an advisor to the Secretary, Assistant Secretaries, Executive Counsel, and various Division Administrators on technical issues, procedures, methods and techniques that impact environmental crime investigation and enforcement;

- Coordinates criminal investigations with other divisions within the agency through collaboration with higher level agency officials; and
- Communicates on a recurring basis with higher-level officials of other state and federal agencies to provide and obtain information regarding investigations in areas of common concern.

5%

- Multi-tasks of other duties as assigned.

POSITION DESCRIPTION OPTIONAL ATTACHMENT (SF-3.A)

If the position has specific requirements (shift work, licensure, drug testing, driver's license, other special requirements) or is assigned a special entrance rate, premium pay, base supplement, shift differential, etc., we recommend that you attach form SF-3.A. If this optional form is not used, special requirements such as required licenses or police commission must be included in Item 6 – the statement of Duties and Responsibilities.

☒ This position requires Drug Testing either because it involves safety and security sensitive work, operation/maintenance of public vehicles or the supervision of employees engaged in the operation/maintenance of public vehicles.

☒ This position requires a driver's license: ☐ A/B/C ☐ D ☒ E

☒ This position has the following special requirements:

Must be eighteen years old at time of application.

An applicant will be disqualified if he or she has been convicted of a felony or if there are any indictments or bills of information pending against him or her in which felony charges are included; or if he or she has been convicted within the past three years of hit and run or driving while intoxicated.

A drug screen will be administered prior to employment.

May be required to possess a valid Louisiana driver's license at the time of appointment.

Must pass Police Officer Standards and Training (P.O.S.T.) certification and pass recertification each year.

SPECIAL PAY / WORKING CONDITIONS

Check off items that apply and indicate actual rates that apply to the position (Do not list maximums allowed by the agency unless they are actually applied to the position.)

☐ This position involves shift work: ☐ night / ☐ evening / ☐ rotating

☐ There is special shift pay for this position: _____

☐ There is premium pay for this position: _____

☐ There is on-call pay for this position: _____

☐ This position has a Special Entrance Rate (SER): _____

☐ There is a base supplement for this position. List percentage _____

☒ This position is FLSA Status Exempt

SF-3.A
Rev. 11/01

☐ This position is FLSA Status Non-Exempt

☐ This position participates in a training series. Cap of series is _____

☐ This position has other special pay/working conditions:

50019587-OSEC ADMIN / LEGAL SERVICES

019587-OSEC ADMIN / LEGAL SERVICES
00186302-ATTORNEY/GEN COUNS 3
HERMAN ROBINSON pers# 00016890
AS-626 Job# 00171520

85-OSEC CRIMINAL INVESTIGATION DI
50393427-ATTORNEY 4
MICHAEL DANIELS pers# 00007429
AS-621 Job# 00171470

019587-OSEC ADMIN / LEGAL SERVICES
0126676-ATTORNEY-DEP GEN COUNS
DWANA KING pers# 00025189
AS-624 Job# 00171490

85-OSEC CRIMINAL INVESTIGATION DI
50318604-ENV SCIENTIST MANAGER
JEFFREY NOLAN pers# 00009736
TS-317 Job# 00164890

85-OSEC CRIMINAL INVESTIGATION DI
50318603-ENV SCIENTIST SUPERVISOR
RYAN BRIGNAC pers# 00009644
TS-314 Job# 00164880

85-OSEC CRIMINAL INVESTIGATION DI
00123459-ENV SCIENTIST 3
MAUREEN KENNEDY pers# 00123523
TS-311 Job# 00150050

85-OSEC CRIMINAL INVESTIGATION DI
50398182-ENV SCIENTIST 3
DONALD COWART pers# 00008740
TS-311 Job# 00150050

85-OSEC CRIMINAL INVESTIGATION DI
50398183-ENV SCIENTIST 3
ROBERT KINGHAM pers# 00018264
TS-311 Job# 00150050

85-OSEC CRIMINAL INVESTIGATION DI
50401419-CRIMINAL INVESTIGATOR 3
MICHAEL COMPTON pers# 00243855
PS-115 Job# 00172380

85-OSEC CRIMINAL INVESTIGATION DI
50401424-CRIMINAL INVESTIGATOR 3
WILLARD BATES pers# 00244426
PS-115 Job# 00172380

Kathleen Allen

From: jcnolan1993@eatel.net
Sent: Tuesday, April 6, 2021 1:07 PM
To: Kathleen Allen
Subject: RE: Written post-employment advisory opinion: Ethics Administrator
Attachments: Criminal Org Chart.pdf; ESMgr 50318604 update 7-2016.pdf; Ethics Opinion Request_Jeff Nolan_4.6.2021.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Ms. Allen,

Please find attached to this email a letter requesting a written advisory opinion from the Board regarding post state employment. I have also attached a copy of my official job description from the state (SF-3) before I retired, along with an organizational chart. If you have any questions, please do not hesitate to call me or email me.

Sincerely,

Jeffrey T. Nolan (retired)
40193 Cotton Field Ave
Gonzales, LA 70737
225-241-7142

-----Original Message-----

From: Kathleen Allen <Kathleen.Allen@LA.GOV>
Sent: Tuesday, April 6, 2021 12:58 PM
To: jcnolan1993@eatel.net
Subject: RE: Written post employment advisory opinion: Ethics Administrator

You can send a scanned copy to my attention using this email address.

Kathleen M. Allen
Ethics Administration Program
P. O. Box 4368
Baton Rouge, LA 70821
(225) 219-5600/(800) 842-6630
(225) 381-7271 (facsimile)
www.ethics.la.gov

-----Original Message-----

From: jcnolan1993@eatel.net <jcnolan1993@eatel.net>
Sent: Tuesday, April 6, 2021 12:52 PM

To: Kathleen Allen <Kathleen.Allen@LA.GOV>

Subject: Written post employment advisory opinion: Ethics Administrator

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Ethics Administrator

I am seeking a written, post state employment advisory opinion. I already have a request letter drafted and signed in pdf format. I do not have a fax machine. Is there some way I can email this to the ethics board? If not, can I drop it off at the ethics board? I would prefer not to mail the request.

Jeffrey T. Nolan
40193 Cotton Field Ave
Gonzales, LA 70737
225-241-7142